

SOUTH CAROLINA LAW ENFORCEMENT DIVISION



**Contact: Kathryn Richardson
Office: (803) 896-7013
After Hours: (803) 737-9000**

FOR IMMEDIATE RELEASE

August 3, 2005

A S.C. Department of Corrections inmate has been arrested and charged with **Murder**. Kenneth Harry Justus, 38, was arrested Tuesday evening, August 2, 2005, at approximately 6:00 p.m.

The arrest is a result of an investigation conducted by SLED at the request of the S.C. Department of Corrections. The case will be prosecuted by the First Circuit Solicitor's Office.

*Warrant and Affidavit Attached.

ARREST WARRANT

H- 898516

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
 DORCHESTER

 THE STATE
 against

 JUSTUS, KENNETH HARRY
 LIEBER CORRECTIONAL INST.
 RIDGEVILLE SC 29472-0000

 Phone: SSN:

 Sex: M Race: W Height: 5-11 Weight: 170

 DL State: 2/12/1967 DL #: Agency ORI#: SLED

 Prosecuting Agency: SLED
 Prosecuting Officer: CHINA, MICHELE SPECIAL
 Offense: MURDER

 Code/Ordinance Sec. 16-3-10 Offense Code:

 This warrant is **CERTIFIED FOR SERVICE** in the
☐ County/ ☐ Municipality of

 is to be arrested and brought before me to be
 dealt with according to law. The accused

Signature of Judge

(L.S.)

Date:

RETURN

 A copy of this arrest warrant was delivered to
 defendant

on

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

 STATE OF SOUTH CAROLINA
☒ County/ ☐ Municipality of
 DORCHESTER

AFFIDAVIT

CHINA, MICHELE SPECIAL

who

 Personally appeared before me the affiant
 being duly sworn deposes and says that defendant
 did within this county and state on 5/26/2005

JUSTUS, KENNETH HARRY

who

 State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of
 in the following particulars: VIOLATION SECTION 16-3-10 OF SC CODE OF LAWS

DESCRIPTION OF OFFENSE: MURDER

 I further state that there is probable cause to believe that the defendant named above did commit
 the crime set forth and that probable cause is based on the following facts:

SEE ATTACHED AFFIDAVIT

 ALL OF WHICH IS AGAINST THE PEACE AND DIGNITY OF THE STATE
 OF SOUTH CAROLINA AND WILL BE MORE FULLY DESCRIBED IN THE 1976
 CODE OF LAW. Signature of Affiant

STATE OF SOUTH CAROLINA

☐ County/ ☐ Municipality of
 DORCHESTER

 Affiant's Address 2102 MLK Hwy - SLED
6435 FAIR ST. STE-A
 Affiant's Telephone 843-569-7593

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

 It appearing from the above affidavit that there are reasonable grounds to believe that
 on 5/26/2005 defendant JUSTUS, KENNETH HARRY
☐ County/ ☐ Municipality of the State of South Carolina (or ordinance of

☐ as set forth below:

 DESCRIPTION OF OFFENSE: VIOLATION SECTION 16-3-10 OF SC CODE OF LAWS
 MURDER

 Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said
 defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to
 the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me

on

8-2-05
 Signature of Issuing Judge [Signature] (L.S.)

 Judge Code: 007

 Judge's Address 212 Deming Way, Box 10
Spartanburgville SC 29483-0000
 Judge's Telephone (843) 832-0370

 Issuing Court: ☐ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

H898516

STATE OF SOUTH CAROLINA**AFFIDAVIT****COUNTY OF Dorchester**
CITY OF Ridgeville

OCA# 31050056

Personally appeared before me, a magistrate of this County, one Special Agent Michele D. China, South Carolina Law Enforcement Division, who first being duly sworn, deposes and says that

Kenneth Harry Justus

White Male, hgt. 5'11", wgt. 170 lbs., hair: Strawberry Blonde, eyes: Hazel, DOB: 2-13-67, SSN: [REDACTED], SCDC #00253669, LKA: Lieber Correctional Institution, Ridgeville, SC

did within this County and State on the 26th day of June, 2005, did violate the criminal laws of the State of South Carolina in the following particulars:

DESCRIPTION OF OFFENSE
MURDER
VIOLATION OF SECTION 16-3-10

The affiant states there is probable cause to believe that the defendant named above did commit the crime(s) set forth, and that such probable cause is based on the following facts:

^{JULY}
That on, Tuesday, 26th day of ~~June~~, 2005, at approximately 10:15pm, while incarcerated at Lieber Correctional Institution, located in the City of Ridgeville, County of Dorchester, State of South Carolina, the defendant one **Kenneth Harry Justus**, did commit the offense of **MURDER**, in violation of section 16-3-20 of the South Carolina Code of Laws of 1976, as amended. In that the defendant did willfully, unlawfully, and feloniously commit the offense of murder with malice aforethought in that the defendant did cause the death of one **Justis Matthew Bergenzer**, 22 year old white male inmate who was also incarcerated at Lieber Correctional Institution, Ridgeville, SC.

Facts to establish the aforesaid are that the defendant did leave his cell (#4) located in the Edisto Wing of Lieber Correctional Institution (with a self-constructed knife in his (Justus) possession) and did go to cell (#23) where the victim was located in the Edisto Wing of Lieber Correctional Institution. The defendant, Kenneth Justus being alone in cell #23 with the victim, Justis Bergenzer, did with the use of a self-constructed knife, stabbed Bergenzer approximately 13 times (the fatal wound puncturing Bergenzer's heart.) The defendant did cause severe open wounds about the victim's head during the course of the altercation with the victim. Justus was observed by another inmate (located in the same cell wing), leaving cell #23. Justus left the victim lying on the floor of the cell, and attempted to flush the weapon (self-constructed knife) down the toilet of cell #23. Justus was observed by another inmate returning to his cell with the blood of the victim on his clothing. The defendant did not make any attempt to obtain or notify any person(s) of the victim's need for medical attention. The victim was found dead in his cell (#23) by the victim's cellmates who immediately reported their discovery of the lifeless body of the victim to correctional officers.


The South Carolina State Law Enforcement Division along with the South Carolina Department of Corrections conducted an investigation obtaining evidence and statements from witnesses that attest to the same. All against the law, peace and dignity of the State of South Carolina.

H898516

Page 2 Affidavit Murder 31050056

Sworn to and Subscribed before me

this 2 day of August, 2005.



Signature of Judge

310511DC/line

(AFFIANT)

SC State Law Enforcement Division
6435 Fain Street Suite A
North Charleston, SC 29406

Phone: 843-569-7593